



PATENT
Customer No. 22,852
Attorney Docket No. 5725.0912-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Isabelle ROLLAT et al.) Parent Group Art Unit: 1713
)
Application No. 10/693,899) Parent Examiner: T. Zalukaeva
)
Filed: October 28, 2003)
)
For: RESHAPABLE HAIR STYLING)
COMPOSITION COMPRISING)
HETEROGENEOUS (METH)ACRYLIC)
COPOLYMER PARTICLES)

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR A FILING DATE

Applicants hereby petition the Commissioner of Patents in accordance with the instructions provided by the Notice of Incomplete Nonprovisional Application ("Notice"), dated August 25, 2004, to obtain a filing date of October 28, 2003 for the above-referenced application. A copy of the Notice is enclosed herewith. Also in accordance with the Notice, Applicants are enclosing a check for \$130.00 to cover the fee for this Petition as set forth in 37 C.F.R. § 1.17(h). If any additional fee is required in connection with the filing of this Petition, please charge that fee to our Deposit Account No. 06-0916.

The Notice states that a filing date has not been accorded to the above-referenced application, because the specification was missing from the October 28,

2003, filing. Applicants respectfully disagree.

First, according to the postcard date-stamped by the Office on October 28, 2003, the Office received a Divisional Application under Section 1.53(b), and a copy of the prior application and declaration were included therewith. Applicants submit herewith a copy of the postcard, as well as a copy of as-filed parent application and declaration. Thus, Applicants' submission on October 28, 2003, complied with the Office's rules and procedures, and the application should be accorded a filing date of October 28, 2003.

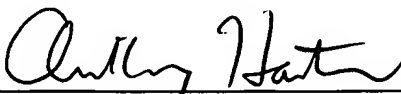
Second, both Applicants' transmittal letter and preliminary amendment, which according to PAIR were received by the Office, incorporate by reference the entire disclosure of the parent Application No. 09/886,013. Applicants note that M.P.E.P. §201.06(c)(IV) states that an incorporation by reference of parent application is a safeguard for a missing application. Accordingly, Applicants' submission on October 28, 2003, complied with the Office's rules and procedures, and the application should be accorded a filing date of October 28, 2003.

Further, in accordance with the instructions of the Notice and in view of the above facts, Applicants hereby request a refund of the petition fee.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 16, 2004

By: 
Anthony A. Hartmann
Reg. No. 43,662

Enclosures: copy of Notice of Incomplete Nonprovisional Application
copy of stamped postcard from October 28, 2003
copy of application and declaration, as filed



TZI/MDS/AAH

18

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Isabelle ROLLAT et al.

Continuation of U.S. Patent Application No.
09/886,013

Group Art Unit: 1713

Filed: October 28, 2003

Examiner: T. Zalukaeva

For: **RESHAPABLE HAIR STYLING COMPOSITION COMPRISING HETEROGENEOUS
(METH)ACRYLIC COPOLYMER PARTICLES**

1. Divisional Application under Section 1.53(b)
2. Preliminary Amendment
3. Information Disclosure Statement
4. Information Disclosure Statement
5. PTO Form 1449 (9 pages)
6. Check No. 079619 in the amount of \$856.00



Dated: October 28, 2003

Docket No.: 05725.0912-01000

(Due Date: ASAP)

MDS/AAH/tew - Mail Drop 222

PLEASE RETURN POSTCARD TO TERRI WITHERSPOON @ MD222

DKR
10/29/03
JW